

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)

In re ) **Case No. 08-35653-KRH**  
CIRCUIT CITY STORES, INC., et al. ) Chapter 11  
Debtors. ) **NOTICE TO CONTINUE**  
 ) **PERFECTION OF MECHANIC'S**  
 ) **LIEN PURSUANT TO SECTION**  
 ) **546(b)(1)**  
The Honorable Kevin R. Huennekens

TO DEBTOR IN POSSESSION CIRCUIT CITY STORES, INC., OTHER PARTIES IN INTEREST AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that creditor Colorado Structures, Inc. dba CSI Construction Company ("CSI") hereby continues to perfect, pursuant to 11 U.S.C. §§ 546(b)(1) and 362(b)(3), its mechanic's lien rights on the real property in which property the Debtor holds a leasehold interest located in Vacaville, Solano County, California, including improvements located thereon, located at 130 Nut Tree Parkway, Vacaville, California 95687, and commonly known as Circuit City Store number 4179.

A true and correct copy of the mechanic's lien recorded by CSI in the official records of Solano County, California, in the total sum of \$116,461.77 plus interest, for work, services, labor, equipment and materials furnished to the Debtor, is attached hereto as **Exhibit A** and incorporated by this reference. To the extent that the automatic stay of 11 U.S.C. § 362(a) may have stayed

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*Attorneys for Creditor*  
*Colorado Structures, Inc., dba CSI Construction Co.*

1 recordation of CSI's mechanic's lien as to property of debtor, CSI gives this notice pursuant to 11  
2 U.S.C. section 546(b) in lieu of any such stayed act.

3 By this notice, pursuant to 11 U.S.C. § 546(b)(2), CSI also hereby perfects its lien rights  
4 which, but for the automatic stay of § 362(a), would require commencement of action against the  
5 debtor to foreclose the lien.

6 PLEASE TAKE FURTHER NOTICE THAT by virtue of 11 U.S.C. § 546(b) and California  
7 Civil Code § 3134, the perfection of CSI's mechanic's lien relates back to the date when work  
8 commenced on or before April 21, 2008, a date which precedes the filing of the petition for  
9 bankruptcy in this case.

10 DATED: February 10, 2009

By: /s/ William A. Gray

11 William A. Gray, Esquire (VSB #46911)  
12 Lisa Taylor Hudson (VSB #45484)  
13 W. Ashley Burgess (VSB# 67998)  
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*Attorneys for Creditor Colorado Structures, Inc., dba  
CSI Construction Co*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of February 2009, a true and accurate copy of the foregoing *Notice to Continue Perfection of Mechanic's Lien Pursuant to Section 546(b)(1)* was electronically filed with the Clerk of the Bankruptcy Court for the Eastern District of Virginia, Richmond Division, using the CM/ECF system, which thereby caused the above to be served electronically on all registered users of the ECF system that have filed notices of appearance in this matter, and mailed, by U.S. Mail, first class, postage prepaid, to all persons appearing below:

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*Special Counsel for Debtors*

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*Counsel for the Creditors Committee*

/s/ William A. Gray

Recorded in Official Records, Solano County

**Marc C. Tonnesen**  
Assessor/Recorder

11/24/2008  
3:02 PM  
AR51  
63

Recording Requested By and  
When Recorded Mail To:  
McDonough Holland & Allen PC  
Attorneys at Law  
Attn: Blake V. Robinson  
555 Capitol Mall, 9th Floor  
Sacramento, California 95814

P McDonough

Doc#: 200800093815



Titles: 1	Pages: 3
Fees	21.00
Taxes	0.00
Other	0.00
PAID	\$21.00

MECHANIC'S LIEN

Colorado Structures, Inc. dba CSI Construction Co. ("Claimant"), whose address is 5060 Robert J. Mathews Parkway, Suite 110, El Dorado, California 95762, hereby claims a lien upon the real property located in Solano County, California, including improvements located thereon, described as 130 Nut Tree Parkway, Vacaville, CA 95687, and further described in Exhibit A hereto, which is attached hereto and incorporated herein by this reference.

After deducting all just credits and offsets, the sum of \$116,461.77, plus interest accruing thereon at the legal rate of ten percent per annum, is due claimant for the following work, labor, equipment and/or materials furnished by claimant:

construction work, services, labor, equipment, and materials for the work of improvement described as the Coffee Tree Plaza Circuit City, 130 Nut Tree Parkway, Vacaville, CA 95687

Lien Notice Mailed  
Per Govt. Cd. 27297.5

Claimant furnished the work, services, labor, equipment, and materials under contract with Circuit City Stores, Inc., whose address is 9950 Mayland Drive, Richmond, VA 23233.

The owners and/or reputed owners of the property and improvements located thereon are: Circuit City Stores, Inc., whose address is 9950 Mayland Drive, Richmond, VA 23233, and/or TKG Coffee Tree, L.P., whose address is 214 Grant Street, Ste. 325, San Francisco, CA 94108.

Dated: November 19, 2008.

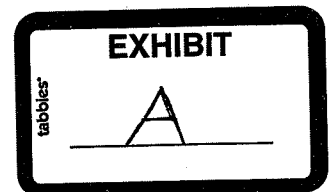
COLORADO STRUCTURES, INC.

By: 

Mark S. Osborn

Its: Vice President

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VERIFICATION

I, the undersigned, say:

I am a Vice President of Colorado Structures, Inc. dba CSI Construction Co., the claimant of the foregoing mechanic's lien. I have read the lien and know the contents thereof. The facts stated therein are true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 19, 2008, at EL DORADO HILLS, California.

  
Mark S. Osborn

LEGAL DESCRIPTION

All that real property situated in the City of Vacaville, County of Solano, State of California, described as follows:

A portion of Parcels 4 and 5 as shown in Book 36 of Parcel Maps Page 1 and portion of Parcels B and C from Deed recorded December 2, 1992 in Book 1992-110932 O.R., new parcel being more particularly described as follows:

Beginning at the most Southerly corner of existing Parcel 5 as shown in Book 36 of Parcel Maps at Page 1, Solano County Records; thence N 14° 52' 00" W, 139.37 feet; thence through a tangent curve concave to the left with a radius of 70.20 feet through a central angle of 27° 53' 30" for an arc length of 34.17 feet; thence N 42° 45' 30" W, 117.45 feet, to the Southerly right-of-way of Interstate Highway 80; thence Easterly along said right-of-way N 47° 14' 30" E, 203.21 feet; thence N 48° 38' 00" E, 219.93 feet; thence leaving said right-of-way S 44° 03' 13" E, 367.90 feet; thence S 30° 59' 00" E, 95.26 feet to the Northerly right-of-way of Nut Tree Parkway; thence along the said Northerly right-of-way along the arc of a curve concave to the right, the radius of which bears N 30° 59' 00" W, 1438 feet through a central angle of 16° 07' 00" for an arc length of 404.49 feet; thence S 75° 08' 00" W, 120.00 feet the point of beginning of the parcel herein being described.

APN: 0131-430-190

Commonly known as 130 Nut Tree Parkway, Vacaville, CA

END OF  
DOCUMENT

Exhibit A